

Appl. No. 09/638,570
Docket No. 7721M
Office Action dated December 31, 2007
Amendment dated April 30, 2008
Customer No. 27752

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Remarks

In view of the above amendments and the following remarks, reconsideration of the present application is respectfully requested. Initially, Applicants thank and appreciate the time and effort expended by the Examiner so far in this case.

With this amendment, Applicants amend Claims 55, 83, and 95 and cancel Claim 82. Consequently, Claims 55, 57-61, 63, 65, 67-69, 71, 73, 75, 77-79, and 83-98 are pending and under consideration in this application.

Examiner Interview

A telephonic interview took place on Friday, April 25, 2008, between the Examiner and the Applicants' undersigned Representative. Independent claim 55 was discussed in light of the references of record, specifically Levinson. The undersigned Representative proposed amending claim 55, as above, in light of the Examiner's concern that brewers can have multiple brew runs over the life of a brewer as well as the concern that some very small amount of extract would cling to coffee grounds during a single brew run.

The Examiner agreed that amended claim 55 above would distinguish over these instances. Therefore, Applicants submit that the above amended claim 55 has now been amended to address the concerns of the Examiner. It is respectfully requested that the Examiner reconsider and allow claim 55. For similar reasons, Applicants submit that the claims that depend from claim 55 are also allowable. Reconsideration is respectfully requested.

Claims 83-98 were also discussed. Independent claim 83 has now been amended to recite additional limitations than allowed case 7727M, which was Application No. 09/638,566, which the Examiner allowed and which has issued into US Patent No. 6,726,947. Since independent claim 83 contains more limitations than the prior allowed case, the Examiner indicated that it would likely be allowable as well. Moreover, independent claim 83 has been amended similarly to independent claim 55, and for this additional reason it should be allowable over the references of record. The dependent claims of claim 83 are allowable as well since they include all of the limitations of the base claim. Reconsideration is respectfully requested.

Rejections Under 35 USC § 112

The Examiner has rejected Claim 95 under 35 USC § 112, 2nd paragraph. Claim 95 has been amended to recite a ratio of from about 1:1 to about 1:15. Reconsideration is respectfully requested.

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Conclusion

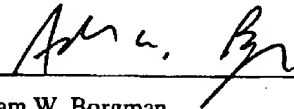
It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office Action but are simply provided to overcome the rejections made in the Office Action in the most expedient fashion.

For the foregoing reasons and in view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and an early notice of allowance is solicited. If, after reviewing this amendment, the Examiner feels that any issues remain that must be resolved before the application can be passed to issue, the Examiner is invited to contact the Applicants' undersigned representative by telephone to resolve such issues.

Respectfully submitted,

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Date: April 30, 2008

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